



AGENDA
ZONING BOARD OF ADJUSTMENT
Regular Meeting
January 6, 2009 at 6:00 P.M.
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

1. Call to order – Explanation of functions of the Board.
2. Oath of Office Robert Brick.
3. Consideration, discussion and possible action of Absence Requests from meetings.
4. Consideration, discussion and possible action to approve meeting Minutes.
 - November 11, 2008 Workshop Meeting Minutes
 - November 11, 2008 Regular Meeting Minutes
 - December 2, 2008 Meeting Minutes
5. Public hearing, presentation, possible action, and discussion on a variance request to the Unified Development Ordinance, Section 5.7 Design District Dimensional Standards regarding the minimum two-story height requirement for 413 College Main Street, Lots 1-4, Block 22 and Lots 8-10, Block 4 Boyett. Case #08-00500306 (JP)
6. Consideration and possible action on future agenda items – A Zoning Board Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting
7. Adjourn.

Consultation with Attorney {Gov't Code Section 551.071; possible action.

The Zoning Board of Adjustments may seek advice from its attorney regarding a pending and contemplated litigation subject or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. If litigation or attorney-client privileged information issues arise as to the posted subject matter of this Zoning Board of Adjustments meeting, an executive session will be held.

Notice is hereby given that a Regular Meeting of the Zoning Board of Adjustment of College Station, Texas will be held on **Tuesday, January 06, 2009 at 6:00 p.m.** at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda

Posted this the day of , 2009 at p.m.

CITY OF COLLEGE STATION, TEXAS

By _____
Connie Hooks, City Secretary

I, the undersigned, do hereby certify that the above Notice of Regular Meeting of the Zoning Board of Adjustment of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this _____ day of _____, 2008.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the _____ day of _____, 2008.

Notary Public- Brazos County, Texas

My commission expires: _____

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call 979.764.3517 or (TDD) 800.735.2989. Agendas may be viewed on www.cstx.gov.



WORKSHOP MINUTES
Zoning Board of Adjustment
November 11, 2008
CITY OF COLLEGE STATION, TEXAS
City Hall Council Chambers
1101 Texas Avenue
5:30 P.M.

MEMBERS PRESENT: Chairman Jay Goss, Donald Braune, Josh Benn, Rodney Hill and John Richards.

MEMBERS ABSENT: Hunter Goodwin and Melissa Cunningham (not needed).

STAFF PRESENT: Staff Assistants Deborah Grace-Rosier and Amber Carter, Planning and Development Services Director Bob Cowell, Planning Administrator Molly Hitchcock, Planning and Development Services Assistant Director Gabriel Elliott, Senior Planner Jennifer Prochazka, Staff Planners Matt Robinson and Matthew Hilgemeier, Assistant City Attorney Mary Ann Powell, and Action Center Representative Carrie McHugh.

AGENDA ITEM NO. 1: **Call to order – Explanation of functions of the Board.**

Chairman Goss called the meeting to order at 5:35.

AGENDA ITEM NO. 2: **Discussion of requested Administrative Adjustments.**

1311 Milner, 18-inch side street setback encroachment.
1403 Athens Drive, Zeta Tau Alpha, parking.

There was no discussion concerning these cases.

AGENDA ITEM NO. 3: **Discussion of Regular Agenda Items.**

There was no discussion concerning the cases.

AGENDA ITEM NO. 4: **Presentation, discussion regarding the legal implications of granting variances.**

Ms. Powell stated that the question to her was, “do variances run with the land”, and she replied yes. She referred to the Local Government Code, Section 211.0098.

Chairman Goss asked if the Board could grant conditional variances for a specific person who owns the land. Ms. Powell replied no, but that variances can be crafted to the use of the property.

Chairman Goss referred to an earlier case concerning branding colors and asked if City Council would change that section of the ordinance. Mr. Cowell told the Board that staff and the owner both raised the question to Council and they were not willing to change the ordinance. Chairman Goss asked if ZBA needs to ask staff to specifically raise that question to Council. Mr. Cowell responded that it is always helpful for ZBA to raise it as an issue. Mr. Cowell stated that the Board can put it on a future agenda item and formulate a recommendation to Council and staff would bring it forth to Council.

AGENDA ITEM NO. 5: Consideration and possible action on future agenda items – A Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

There were no items addressed.

AGENDA ITEM NO. 6: Adjourn.

Mr. Benn motioned to adjourn the meeting, Mr. Braune seconded the motion, which passed unopposed (5-0). The meeting was adjourned at 6:00.

APPROVED:

Jay Goss, Chairman

ATTEST:

Deborah Grace-Rosier, Staff Assistant



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There were no items addressed.

AGENDA ITEM NO. 6: **Adjourn.**

Mr. Benn motioned to adjourn the meeting, Mr. Braune seconded the motion, which passed unopposed (5-0). The meeting was adjourned at 6:00.

APPROVED:

Jay Goss, Chairman

ATTEST:

Deborah Grace-Rosier, Staff Assistant



MINUTES
Zoning Board of Adjustment
December 2, 2008
CITY OF COLLEGE STATION, TEXAS
City Hall Council Chambers
1101 Texas Avenue
6:00 P.M.

MEMBERS PRESENT: Chairman Jay Goss, Josh Benn, Rodney Hill, Hunter Goodwin and Melissa Cunningham.

MEMBERS ABSENT: John Richards.

STAFF PRESENT: Staff Assistant Deborah Grace-Rosier, Senior Planner Jennifer Prochazka, Staff Planner Matt Robinson, Assistant City Attorney Mary Ann Powell, and Action Center Representative Kerry Mullins.

AGENDA ITEM NO. 1: **Call to order – Explanation of functions of the Board.**

Chairman Goss called the meeting to order at 6:00 PM.

AGENDA ITEM NO. 2: **Consideration, discussion and possible action of absence requests.**

No requests submitted.

AGENDA ITEM NO. 3: **Discussion of requested Administrative Adjustments.**

- ~ Lots 3-1 through 3-13, Block 3, Crescent Pointe Subdivision Phase 4.
Case # 08-00500294. **APPROVED**
- ~ 1600 George Bush East. Case # 08-0050090 **APPROVED.**
- ~ 3030 University Drive. Case # 08-00500143 **APPROVED.**
- ~ 1815 Brothers Boulevard. Case # 08-00500289 **APPROVED.**

There were no discussions concerning the cases.

AGENDA ITEM NO. 4: **Consideration, discussion and possible action to approve meeting minutes.**

There were no minutes submitted for approval.

AGENDA ITEM NO. 5: Public hearing, presentation, possible action, and discussion on a variance request to the Unified Development Ordinance, Section 5.2 Residential Dimensional Standards regarding the front setback requirements for 3907 Santour Court, Lot 17, Block 14 Edelweiss Gartens Phase 7. Case # 08-00500239.

This item was pulled by the applicant.

AGENDA ITEM NO. 6: Public hearing, presentation, possible action, and discussion on a variance request to the Unified Development Ordinance, Section 5.2 Residential Dimensional Standards regarding the rear setback requirement for 400 Fairview Avenue, Lot 1, Block 5 College Park. Case # 08-00500290.

Staff Planner Matt Robinson presented the staff report and told the Board the applicant is requesting the variance in order to build a garage at the rear of the property approximately 7 feet off the rear property line. The proposed garage would take access to Kerry Street. The applicant would like to reduce the rear setback by approximately 13 feet; thus they are requesting a rear setback variance of 13 feet to the required rear setback of 20 feet.

Chairman Goss opened the public hearing. Stepping forward to speak in favor of the variance was:

Fred Dupriest, 400 Fairview, College Station, TX.

Mr. Dupriest was sworn in by Chairman Goss.

Chairman Goss closed the public hearing.

Mr. Hill motioned to authorize a variance to the minimum setback requirements from the terms of the Ordinance as it will not be contrary to the public interest, due to the following special conditions: unusually small lot size with 20 foot setback; and because a strict enforcement of the provisions of the Ordinance would result in unnecessary hardship to this applicant being: there is not enough lot space to build a garage because of all the setbacks; and such that the spirit of this Ordinance shall be observed and substantial justice done subject to the following limitations: a rear setback of 13 feet into the required rear setback of 20 feet. **Ms. Cunningham seconded the motion, which passed unopposed (5-0)**

AGENDA ITEM NO. 7: Public hearing, presentation, possible action and discussion on a variance requests to the Unified Development Ordinance, Section 5.6.B.6 Off-Street Parking Standards regarding the parking setback requirement and Section 5.7 Design District Dimensional Standards regarding the minimum Floor to Area Ratio requirement for 201 Tauber Street, Lots 1 and 3, Block 5 of the Tauber Subdivision. Case # 08-00500-293

Senior Planner Jennifer Prochazka presented the staff report and told the Board that staff recommends approval of the variance request made by Wesley Foundation with the condition that the variances are granted solely for the purpose of allowing the subject property to recapture 15 parking spaces which were lost because of the Church Avenue rehabilitation project. The applicant has requested that both the required 200 foot parking setback for properties on Church Avenue and the required minimum Floor to Area Ratio not apply in this instance.

Chairman Goss opened the public hearing. Stepping forward to speak in favor of the variance were:

Chuck Ellison, Officer of the Court.

Max Merta, 1400 Skrivenek, College Station, TX.

Will McCollum, 4317 Maywood, Bryan, TX.

All speaking in before the Board, with the exception of Chuck Ellison, were sworn in by Chairman Goss.

Mr. Benn motioned to authorize a variance to the parking requirements from the terms of the Ordinance as it will not be contrary to the public interest, due to the following special conditions: the lot length; and because a strict enforcement of the provisions of the Ordinance would result in unnecessary hardship to this applicant being: lack of adequate parking and agreement between city and applicant; and such that the spirit of the Ordinance shall be observed and substantial justice done subject to the following limitations: 21 additional parking spaces and any future improvements or any building addition will require the site come into full compliance with all applicable sections of the Unified Development Ordinance except for the 21 extra parking spaces. **Mr. Hill seconded the motion, which passed unopposed (5-0).**

APPROVED:

Jay Goss, Chairman

ATTEST:

Deborah Grace-Rosier, Staff Assistant



**VARIANCE REQUEST
FOR
The Factory (08-00500306)**

REQUEST: Height Variance (minimum number of stories)

LOCATION: 413 College Main Street, bounded by College Main Street, Cherry Street and Tauber Street in Northgate

APPLICANT: Dale O'Reilly, Cherry Street, L.P.

PROPERTY OWNER: Cherry Street, L.P.

PROJECT MANAGER: Jennifer Prochazka, AICP, Senior Planner
jprochazka@cstx.gov

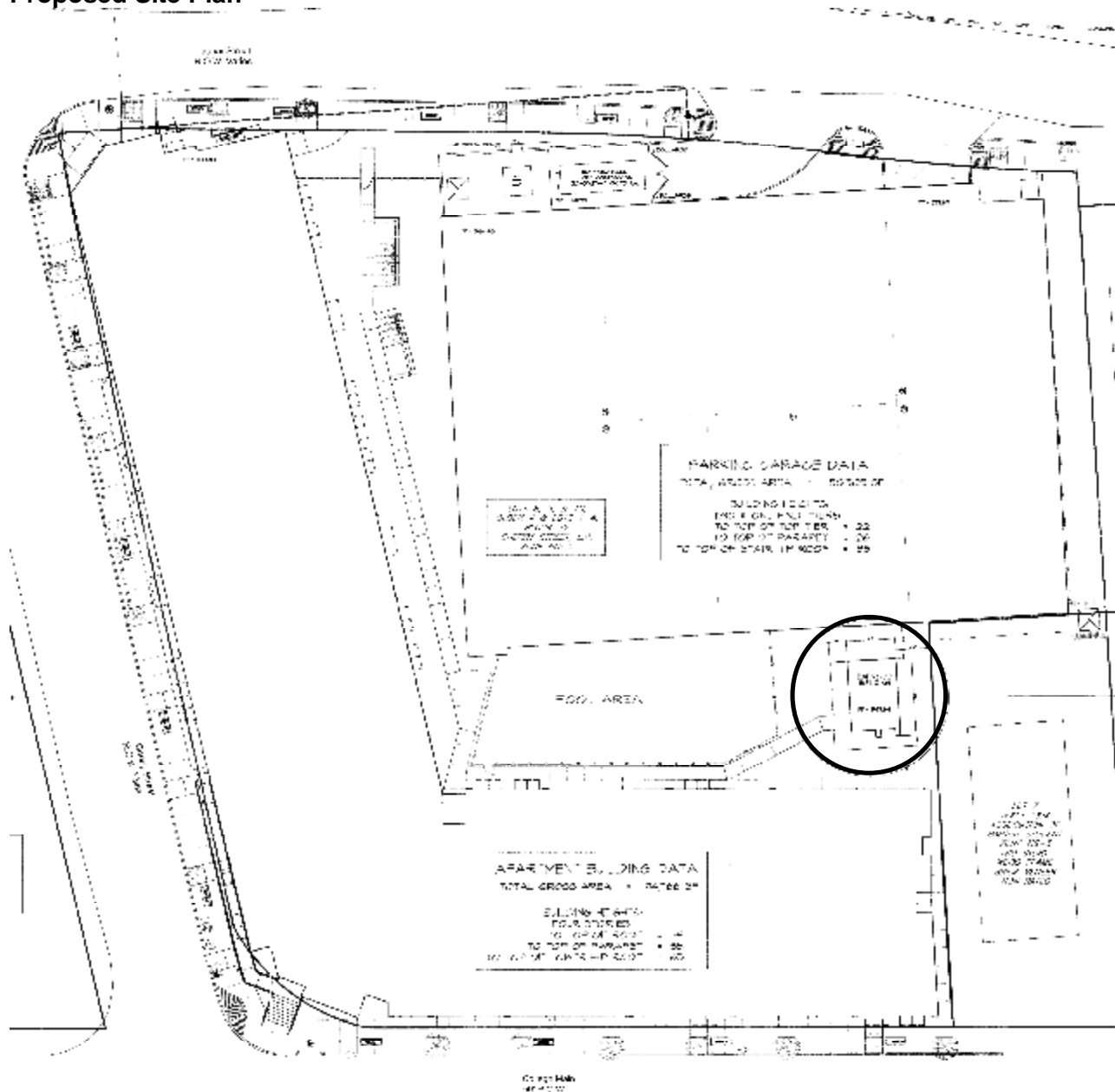
RECOMMENDATION: Staff recommends approval of the request to vary from the minimum two-story height requirement, with the condition that the variance apply only to the proposed 300 square foot exercise facility, as was requested.

BACKGROUND: The subject property is developed as The Factory, a multi-family building in Northgate. This area is zoned NG-3 Residential Northgate and is designated for Redevelopment by the Comprehensive Plan. There is currently a 4-story multi-family structure and a 3-story parking garage occupying the property. The applicant wishes to construct a free-standing exercise facility (approximately 300 square feet in area) adjacent to the proposed pool (as shown on the graphic below). **The applicant wishes to construct a one-story facility and is therefore requesting to vary from the minimum two-story height requirement.**

APPLICABLE ORDINANCE SECTION: Section 5.7 Design District Standards of the Unified Development Ordinance requires a minimum height of two stories for structures built in Northgate.

ORDINANCE INTENT: The Northgate District regulations incorporate concepts that are intended to result in increased density in the area. Northgate is intended to be a unique, pedestrian-friendly, dense urban environment. Ordinances in NG-3 were designed to aid pedestrian-oriented redevelopment for high-density residential and limited commercial uses. The minimum number of stories for a structure in Northgate, provided in Section 5.7, is intended to create a denser, more urban environment.

Proposed Site Plan





NOTIFICATIONS

Advertised Board Hearing Date: January 6, 2009

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

None

Property owner notices mailed: 26
Contacts in support: None
Contacts in opposition: None
Inquiry contacts: None

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	NG-3 Residential Northgate	4-story multi-family building and associated 3-story parking garage
North	NG-3 Residential Northgate	Cherry Street a minor collector roadway
South	NG-3 Residential Northgate	Texas A&M Association of Baptist Students building and a duplex
East	NG-3 Residential Northgate	College Main Street a major collector roadway
West	NG-3 Residential Northgate	Tauber Street a local roadway

PHYSICAL CHARACTERISTICS

1. **Frontage:** Approximately 200 feet on College Main Street, 250 feet on Cherry Street, and 300 feet on Tauber Street
2. **Access:** Vehicular access to the parking garage is via a driveway from Tauber Street
3. **Topography and vegetation:** The property is relatively flat and has a number of street trees and other vegetation planted with the construction of the apartment building.
4. **Floodplain:** N/A

REVIEW CRITERIA

1. **Special conditions:** The applicant has stated the following as a special condition: "We have no need or use for a second story on our exercise facility adjacent to our swimming pool."
2. **Hardships:** The applicant has stated the following as a hardship: "We have no need or use for a second story on our exercise facility adjacent to our swimming pool."

ALTERNATIVES

The applicant stated that there are no alternatives to the requested variance.

STAFF RECOMMENDATION

Staff recommends approval of the request to vary from the minimum two-story height requirement, with the condition that the variance apply only to the proposed 300 square foot exercise facility, as was requested.

The exercise facility is proposed to be located interior to the site and will not be visible from any public rights-of-way. Because the structure will not be visible from the surrounding streets, staff feels that the aesthetic intent of the ordinance has been met by the primary multi-family structure. Additionally, since the minimum Floor to Area Ratio (FAR) requirement has been satisfied for the site, staff feels that the intended density has been provided.

SUPPORTING MATERIALS

1. Application



CITY OF COLLEGE STATION
Planning & Development Services

FOR OFFICE USE ONLY

CASE NO.:

08-306

DATE SUBMITTED:

11-17-08

10:10
93

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:

\$150 Filing Fee

NA PAID @ DRR

Application completed in full.

Additional materials may be required of the applicant such as site plans, elevation drawings, sign details and floor plans. The Zoning Official shall inform the applicant of any extra materials required.

Date of Preapplication Conference: _____

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary Contact for the Project):

Name

DALE O'REILLY OR RANDY KLEIN

Street Address

P.O. Box 7445

City

HOUSTON

State

TX

Zip Code

77248

E-Mail Address

doreilly@tmc.com; radokville@aol.com

Phone Number

(713) 201-6743

OR

Fax Number

(281) 538-8118

OR

(713) 829-3808 Randy

(713) 864-8291 Randy

PROPERTY OWNER'S INFORMATION:

Name

CHERRY ST. L.P.

Street Address

P.O. Box 7445

City

HOUSTON

State

TX

Zip Code

77248

E-Mail Address

radokville@aol.com

Phone Number

(713) 829-3808

Fax Number

(713) 864-8291

LOCATION OF PROPERTY:

Address

418 COLLEGE MAIN

Lot

Block

Subdivision

BOYETT

Description if there is no Lot, Block and Subdivision

Action Requested: (Circle One)

Setback Variance

Appeal of Zoning Official's Interpretation

Parking Variance

Special Exception

Sign Variance

Drainage Variance

(Other)

HEIGHT VARIANCE

Current Zoning of Subject Property:

AG 3

Applicable Ordinance Section:

5.7

NORTHGATE LADO

GENERAL VARIANCE REQUEST

The following specific variation from the ordinance is requested:

construct a one-story exercise facility

This variance is necessary due to the following special conditions:

Special Condition Definition: To justify a variance, the difficulty must be due to unique circumstances involving the particular property. The unique circumstances must be related to a physical characteristic of the property itself, not to the owner's personal situation. This is because regardless of ownership, the variance will run with the land.

Example: A creek bisecting a lot, a smaller buildable area than is seen on surrounding lots, specimen trees.

Note: A cul-de-sac is a standard street layout in College Station. The shape of standard cul-de-sac lots are generally not special conditions.

Same as hardship - MM 11-17-08

convenient to W/OBility

The unnecessary hardship (s) involved by meeting the provisions of the ordinance other than financial hardship is/are:

Hardship Definition: The inability to make reasonable use of the property in accord with the literal requirements of the law. The hardship must be a direct result of the special condition.

Example: A hardship of a creek bisecting a lot could be the reduction of the buildable area on the lot, when compared to neighboring properties.

We have no need or use for a second-story on our exercise facility adjacent to our swimming pool.

The following alternatives to the requested variance are possible:

NONE

This variance will not be contrary to the public interest by virtue of the following facts:

1) WILL BE USED BY RESIDENTS ONLY (2) surrounded by a 4-story apartment building and a 3-story parking garage and is not visible from the street or any adjacent property owners.

The applicant has prepared this application and supporting information and certifies that the facts stated herein and exhibits attached hereto are true and correct. IF APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, APPLICATION MUST BE ACCOMPANIED BY A POWER OF ATTORNEY STATEMENT FROM THE OWNER.

Andy Klein

Signature of owner (or agent) or applicant

11-13-08

Date